

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
NO. 2:17-CV-00004-FL**

**SAVE OUR SOUND OBX, INC., THOMAS
ASCHMONEIT, RICHARD AYELLA, DAVID
HADLEY, MARK HAINES, JER MEHTA, and
GLENN STEVENS,**

Plaintiffs,

v.

**NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION, JAMES H. TROGDON,
III, in his official capacity as Secretary of the
North Carolina Department of Transportation,
FEDERAL HIGHWAY ADMINISTRATION,
and JOHN F. SULLIVAN, III, in his official
capacity as Division Administrator for the
Federal Highway Administration,**

Defendants,

and

**DEFENDERS OF WILDLIFE and NATIONAL
WILDLIFE REFUGE ASSOCIATION,**

Defendant-Intervenors.

**[PLAINTIFFS' PROPOSED] ORDER
GRANTING PLAINTIFFS' MOTION
TO COMPEL COMPLETION OF
THE ADMINISTRATIVE RECORD**

Upon consideration of the briefs, exhibits, and all materials filed in support of and in opposition to Plaintiffs' motion to compel completion of the Administrative Record, it is hereby ORDERED that Plaintiffs' motion is GRANTED. Defendants are hereby ORDERED to complete the Administrative Record by adding all non-privileged documents regarding settlement negotiations in *Defenders of Wildlife v. North Carolina Department of Transportation*, No. 2:11-CV-35 (E.D.N.C.), to which Defendant Federal Highway Administration ("FHWA") was a party or that were in FHWA's possession prior to April 30, 2015. This includes all settlement-related communications between FHWA and Defendant-

Intervenors, the North Carolina Department of Transportation, or other government agencies involved in the Bonner Bridge Replacement Project.

SO ORDERED, this ____ day of _____, 2017.

LOUISE W. FLANAGAN
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of August, 2017, I electronically filed a copy of the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing, and pursuant to Local Civil Rule 5.1(e), shall constitute service upon, the following:

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This the 28th day of August, 2017.

/s/ Bryson C. Smith
Bryson C. Smith